

06-02-06

IAP6 Rec'd PCT/PTO 01 JUN 2006

PCT#

060106



17224 U.S. PTO

**DANN DORFMAN HERRELL AND SKILLMAN, P.C.**

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**CERTIFICATE OF MAILING**  
**BY EXPRESS MAIL UNDER 37 C.F.R. \$1.10**

NUMBER OF EXPRESS MAIL MAILING LABEL: EL997341398US  
DATE OF DEPOSIT WITH POSTAL SERVICE: June 1, 2006

I hereby certify that this paper or fee is being deposited with the United States Postal Service "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service under 37 C.F.R. \$1.10 on the date indicated above, and is addressed to the COMMISSIONER OF PATENTS, P.O. Box 1450, Alexandria, VA 22313-1450.

Caren Burgoon

Typed Name of Person Mailing Paper or Fee

Signature of Person Mailing Paper or Fee

Re: U.S. Patent Application No. 10/550,444  
(National Phase of International  
Patent Application No. PCT/US2004/005154  
Entitled: Novel IDO Inhibitors and Methods of Use  
International Filing Date: 20 February 2004  
Earliest Claimed Priority Date: 27 March 2003  
Our File No. 3882-P03161US01

06/07/2006 MKAYPAGH 00000114 10550444

01 FC:2617

65.00 OP

## Enclosures:

- Transmittal Letter to the DO/EO/US Concerning a Filing Under 35 U.S.C. §371 (in duplicate)
- Copy of Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US)
- Declaration, Power of Attorney and Power to Inspect
- Observation Regarding Error in Calculation of Filing Fee
- Check in the amount of \$65
- Postcard

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of      Group Art Unit: **not yet assigned**

George Prendergast et al.      Examiner: **not yet assigned**

Application No. 10/550,444

Filed: September 20, 2005

For: Novel IDO Inhibitors and  
Methods of Use

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Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Observation Regarding Error in Calculation of Filing Fee**

A notice of Missing Requirements (Notice) was issued by the PTO May 19, 2006. This notice states that additional claim fees of \$100 are to be submitted for 6 independent claims over 3 in order for acceptance of the application.

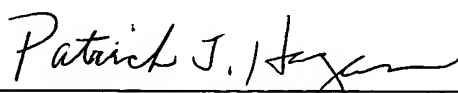
The above-identified patent application was filed on September 21, 2005. Applicants transmittal form (Form PTO-1390) listed 5 independent claims over 3. The only independent claims in the application are claims 1, 3, 5, 14, 18, 25, 27 and 35. The charge for the 5 additional independent claims was \$500 and was included in the filing fee submitted along with the application.

The determination that the application includes a sixth independent claim, and the requirement for payment of a \$100 additional claim fee for such claim appears to be in error. Accordingly, applicants are respectfully withholding payment of the additional claim fee until such time as official notification is received substantiating that there are in fact six independent claims in this application.

Respectfully submitted,

DANN, DORFMAN, HERRELL & SKILLMAN  
A Professional Corporation  
Attorneys for Applicant(s)

By

  
Patrick J. Hagan

PTO Registration No. 27,643

Telephone: (215) 563-4100  
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**TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371**

Date of Mailing:  
01 June 2006

Attorney Docket No.  
3882-P03161US01

U.S. Application No.(If Known)  
10/550,444

Express Mail Label No.:  
EL997341398US

Int'l Application No.  
PCT/US2004/005154

Int'l Filing Date  
20 February 2004

Priority Date Claimed  
27 March 2003

TITLE OF INVENTION  
NOVEL IDO INHIBITORS AND METHODS OF USE

Applicant(s) for DO/EO/US  
PRENDERGAST, George, C.; MULLER, Alexander, J.; DUHADAWAY, James, B.; and  
MALACHOWSKI, William

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☐ The US has been elected (Article 31).
5. ☐ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☐ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

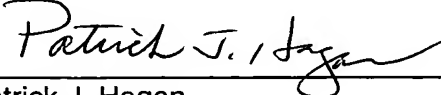
**Items 11 to 20 below concern document(s) or information included:**

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A FIRST preliminary amendment.
14. ☐ A SECOND or SUBSEQUENT preliminary amendment.
15. ☐ A substitute specification.
16. ☐ A change of power of attorney and/or address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information:
  - Copy of Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (D/O/EO/US)
  - Certificate of Mailing by Express Mail Under 37 C.F.R. §1.10
  - Check in the amount of \$65
  - Observation Regarding Error in Calculation of Filing Fee
  - Postcard

U.S. Application No. 10/550,444		International Application No. PCT/US2004/005154		Docket No. 3882-P03161US01	
The following fees are submitted:					
21. <input type="checkbox"/> BASIC NATIONAL FEE .....				\$300	\$0
22. <input type="checkbox"/> Examination Fee					
If international preliminary examination report prepared by USPTO and all claims satisfy provisions of PCT Article 33(1)-(4) .....				\$100	\$0
All other situations .....				\$200	
23. <input type="checkbox"/> Search Fee					
USPTO was International Searching Authority or International Preliminary Examining Authority and all claims satisfy provisions of PCT Article 33(1)-(4) .....				\$0	
Search fee (37 CFR 1.445(a)(2) has been paid on the international application to the USPTO as a International Searching Authority .....				\$100	\$0
International Search Report prepared by International Search Authority other than USPTO, but provided to Office by Applicant(s) .....				\$400	
All other situations .....				\$500	
Total of 21, 22, 23					\$0
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program filed in an electronic medium).					
Total Sheets      Extra Sheets      No. of each add'l 50 (round up to whole number)					\$0
-100 =                      /50 =                      x \$250					
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date					\$130
Claims	Number Filed	Number Extra	Rate		
Total Claims	37 -37	= 0	50	\$0	
Independent Claims	8 -8	= 0	200	\$0	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360		
<b>TOTAL OF ABOVE CALCULATIONS</b>					\$130
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by ½					\$65
<b>SUBTOTAL =</b>					\$65
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f))					\$0
<b>TOTAL NATIONAL FEE =</b>					\$65
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40 per property					\$0
<b>TOTAL FEES ENCLOSED =</b>					\$65

- a. ☒ A check in the amount of \$65 to cover the above fees is enclosed
- b. ☐ Please surcharge Deposit Account No. 04-1406 in the amount of \$ \_\_\_\_\_ to cover the above fees.  
A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 04-1406. A duplicate copy of this sheet is enclosed.

SEND ALL CORRESPONDENCE TO: **CUSTOMER NUMBER 000110** to the attention of the individual listed below.

  
 Patrick J. Hagan  
 Registration No. 27,643



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO. 10/550,444	FIRST NAMED APPLICANT George Prendergast	ATTY. DOCKET NO. 3882-P03161US01
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INTERNATIONAL APPLICATION NO.
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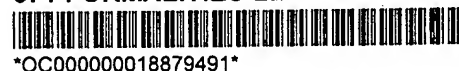
PCT/US04/05154

I.A. FILING DATE 02/20/2004	PRIORITY DATE 03/27/2003
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110  
 DANN, DORFMAN, HERRELL & SKILLMAN  
 1601 MARKET STREET  
 SUITE 2400  
 PHILADELPHIA, PA 19103-2307

CONFIRMATION NO. 4650

371 FORMALITIES LETTER



\*OC000000018879491\*

Date Mailed: 05/19/2006

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 09/21/2005
- Copy of the International Search Report filed on 09/21/2005
- U.S. Basic National Fees filed on 09/21/2005
- Priority Documents filed on 09/21/2005
- Specification filed on 09/21/2005
- Claims filed on 09/21/2005
- Abstracts filed on 09/21/2005
- Drawings filed on 09/21/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Additional claim fees of **\$100** as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

**SUMMARY OF FEES DUE:**

Total additional fees required for this application is **\$165** for a Small Entity:

- **\$65** Surcharge.
- Total additional claim fee(s) for this application is **\$ 100**
  - **\$100** for 6 independent claims over 3.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

ANITA D JOHNSON

Telephone: (703) 308-9140 EXT 226

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/550,444	PCT/US04/05154	3882-P03161US01